

Application Serial No.: 10/829,227
Reply to Office Action dated March 30, 2005

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-13, 15-22, and 24-32 are presently active in this case, Claims 27, 28, 31, and 32 having been amended by way of the present Amendment. The Applicants respectfully request the entry of the amendments set forth herein as they would either place the application into condition for allowance or in better condition for appeal.

Claims 13, 15, 16, 22, and 24-26 are allowed. Additionally, Claims 19 and 20 were indicated as being allowable if rewritten in independent form.

In the outstanding Official Action, Claims 9-12, 17, 18, 21, and 27-32 were rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent No. 5,150,162). For the reasons discussed below, the Applicants request the withdrawal of the anticipation rejection.

In the Office Action, the Saito reference is indicated as anticipating each of Claims 9-12, 17, 18, 21, and 27-32. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Saito reference clearly does not meet each and every limitation of the independent Claims 9, 17, and 27-32.

Claims 9 and 17 of the present application advantageously recite a developer container comprising a mouth member having a developer outlet, wherein a developer inlet to the mouth member is formed in the direction of gravity, and the developer outlet is formed at an angle to the direction of gravity. The Applicants respectfully traverse the rejection of

Claims 9 and 17 based on the Saito reference, since the Saito reference does not disclose such features.

The Saito reference describes a toner supply device for an image forming apparatus. The Official Action refers to Figures 9 and 10A-10C. Figures 9 and 10A-10C are described as depicting a toner hopper 81, and a tube 82 extending out from the bottom of the toner hopper 81. A screw 83 is disposed in the tube 82 and, when in rotation, conveys a toner in a direction indicated by an arrow in Figure 9. A sleeve 84 is slidably coupled over the tube 82. A packing 85 has a slightly smaller diameter than the sleeve 84 and is mounted on the end of the screw 83 to allow the sleeve 84 to abut thereagainst. Drive means 86 drives the screw 83 and has a motor, worm gear, worm wheel and various gears, although not shown or described specifically. The sleeve 84 is constantly urged against the packing member 85 by a spring 87.

The Official Action cites the tube 82 for the teaching of the mouth member recited in Claims 9 and 17. The Applicants note that the tube 82 is depicted as a cylindrical member that extends in a horizontal direction, and has an inlet that is directly opposite to an outlet thereof. Both the inlet and the outlet are in the same direction, and more specifically in a direction perpendicular to the direction of gravity. Accordingly, the Saito reference clearly does not disclose a mouth member having a developer inlet formed in the direction of gravity, and a developer outlet formed at an angle to the direction of gravity, as recited in Claims 9 and 17 of the present application. To the contrary, the tube 82 of the Saito reference is clearly depicted as having an inlet and an outlet that are in the same direction that is perpendicular to the direction of gravity.

Application Serial No.: 10/829,227
Reply to Office Action dated March 30, 2005

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 9 and 17 of the present application. Claims 10-12, 18, and 21 are considered to be allowable for at least the reasons indicated above with respect to their respective independent claims.

Claims 29 and 30 of the present application advantageously recite a developer container comprising a mouth member having a developer outlet, wherein a developer inlet to the mouth member is formed in a direction that is substantially perpendicular to a direction of the developer outlet. The Applicants respectfully traverse the rejection of Claims 29 and 30 based on the Saito reference, since the Saito reference does not disclose such features.

As discussed above, both the inlet and the outlet of the tube 82 of the Saito reference are in the same direction. Accordingly, the Saito reference clearly does not disclose a mouth member having a developer inlet formed in a direction that is substantially perpendicular to a direction of a developer outlet of the mouth member, as recited in Claims 29 and 30 of the present application.

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 29 and 30 of the present application.

Claims 27 and 28 of the present application advantageously recite a developer container comprising a mouth member having a developer outlet, and a shutter member for closing the developer outlet, where the shutter member is provided completely outside of the mouth member. The Applicants respectfully request the withdrawal of the rejection of Claims 27 and 28 based on the Saito reference, since the Saito reference does not disclose such features.

Application Serial No.: 10/829,227
Reply to Office Action dated March 30, 2005

The Official Action cites sleeve 84 of the Saito reference for the teaching of the shutter member of the present application. The Saito reference describes the sleeve 84 as being slidably coupled over the tube 82. As is evident from a review of Figure 10A, the screw 83 is an integral part of the shutter capacity of the sleeve 84. The screw 83 supports a packing 85 that seals off the outlet of the tube 82 by sealing off the end of the sleeve 84. Without the screw 83, the sleeve 84 clearly could not function as a shutter member and thus the sleeve 84 of the Saito reference alone cannot be considered to teach a “shutter” member.

As is evident from the figures of the Saito reference, the screw 83 is provided within the lower portion of the toner hopper 81 and extends through the center of the tube 82. Accordingly, the Saito reference does not disclose a shutter member that is provided completely outside of the mouth member, as recited in Claims 27 and 28 of the present application.

Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 27 and 28 of the present application.

Claims 31 and 32 of the present application advantageously recite a developer container comprising a storing member for storing powder developer therein, and a mouth member having a developer outlet, wherein the storing member is provided with a tapered portion and the mouth member is provided at a tip of the tapered portion. The Applicants respectfully request the withdrawal of the rejection of Claims 31 and 32 based on the Saito reference, since the Saito reference does not disclose such features.

The toner hopper 81 depicted in Figures 9 and 10A-10C has a rectangular shape with vertical side walls. Clearly, the toner hopper 81 of the Saito reference is not provided with a

Application Serial No.: 10/829,227
Reply to Office Action dated March 30, 2005

tapered portion. Accordingly, the Applicants submit that the embodiment in Figures 9 and 10A-10C of the Saito reference does not disclose a storing member that is provided with a tapered portion and a mouth member that is provided at a tip of the tapered portion, as recited in Claims 31 and 32 of the present application. Nor does the Saito reference describe any apparatus that includes all of the features recited in Claims 30 and 31.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf
I:\atty\cdw\252051US3 CONT\am2.doc